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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,814	08/25/2003	Cheng Chung Wang	10111953	2353

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QUINTERO LAW OFFICE, PC  
2210 MAIN STREET, SUITE 200  
SANTA MONICA, CA 90405

EXAMINER
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FREAY, CHARLES GRANT

ART UNIT	PAPER NUMBER
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3746

MAIL DATE	DELIVERY MODE
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03/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/647,814	<b>Applicant(s)</b> WANG, CHENG CHUNG	
	<b>Examiner</b> Charles G. Freay	<b>Art Unit</b> 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on November 20, 2008 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 5 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Adams, III (USPN 4,862,533).

Adams discloses an inflatable product 10 having an inflatable body 36, a socket (shown in Figs. 9 and 10), an electric pump (124, see col. 4 lines 47-53) having a body (100, 120, 122, 124) partially located within the socket, a connector 128 and a switch 130.

Claims 1, 2 and 5 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Owen et al (USPN 4,678,014).

Owen et al disclose an inflatable product (shown in Fig. 1) having an inflatable body M, a socket T built in the inflatable body, an electric pump (10, shown in Figs. 5 and 6) having a body (26, 144, 150, 149) partially located within the socket ( see Figs. 1 and 8), a connector (shown in Fig. 1) and a switch (15). The pump outlet is connected with the inflatable body.

Claims 2, 5 and 8 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chaffee (USPN 6,237,653).

Chaffee discloses an inflatable product having an inflatable body 28, a socket 26, an electric pump 100 having a body 1,18, 20 partially located within the socket (see Fig. 5), and a switch 5.

Claims 1, 2 and 5 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rey(USPN 5,503,618).

Rey discloses an inflatable product 2 having an inflatable body 12, a socket 36, an electric pump 18 having a body (44 and inherent) partially located within the socket, a connector 60 and a switch 48.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Adams, III, Owen et al, Chaffee or Rey.

As set forth above each of Adams, III, Owen et al, Chaffee and Rey disclose an inflatable product having an electric pump and inflatable body as claimed. The references do not disclose that the switch has a water proof layer covering the switch. The examiner gives official notice that waterproof layers covering a switch are well known. At the time of the invention it would have been obvious to one of ordinary skill in the art to provide such a waterproof arrangement to protect the electrical components of each of the Adams, III, Owen et al, Chaffee and Rey pumps from damage.

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

Art Unit: 3746

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 7 and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, 8, and 27 of copending Application No. 10/459,690. Although the conflicting claims are not identical, they are not patentably distinct from each other because each of the claim limitations mentioned in the claims of the instant invention is present in the claims of the ('690) application. The examiner notes that the chamber in claim 1 of the ('690) application corresponds to the socket in the claims of the instant invention and that the fan in the claims of the ('690) application corresponds to the electric pump of the instant invention. The claims of the instant invention are broader than the claims of the ('690) application. Therefore a person of ordinary skill in the art utilizing and/or making the invention set forth in the claims of that application would also be utilizing and/or making a device which reads on the claims of the instant invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The examiner notes that a restriction requirement was made on April 22, 2002 in the parent application 09/738,331. The current application is a continuation of that application and US Application Serial No. 10/459,690 is a divisional of that application.,

Art Unit: 3746

the claims of the instant invention and the claims of the ('690) do not correspond to the claims which were restricted after the amendments which have been made in the extensive prosecution of each of these cases. For example, Group I from which the claims of the ('331) parent application and the claims of the instant application derive included the limitations of the pump including batteries. While the claims of the ('690) application included details of the inflatable product and body without the battery limitation. After the amendments in each case the batteries have been removed from the claims of the instant invention and have been included as limitations in the claims of the ('690) application. Therefore, the original restriction set forth in the parent application does not apply anymore to the claims as amended in the current applications and therefore a provisional double patenting rejection is proper.

The examiner notes that a Terminal Disclaimer with respect to US Patent No. 6,739,469 has been received and accepted in the current application.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles G Freay/  
Primary Examiner  
Art Unit 3746

CGF  
February 15, 2009